

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO  
ALBUQUERQUE DIVISION

UNITED STATES OF AMERICA,	)	CASE NO: 1:13-MJ-01495-RHS
	)	
Plaintiff,	)	CRIMINAL
	)	
vs.	)	Albuquerque, New Mexico
	)	
ISAIAH DEAN TRUJILLO,	)	Tuesday, May 7, 2013
	)	(9:48 a.m. to 9:52 a.m.)
Defendant.	)	

PRELIMINARY EXAMINATION / DETENTION HEARING

BEFORE THE HONORABLE ROBERT H. SCOTT,  
UNITED STATES MAGISTRATE JUDGE

Appearances: See Next Page

Court Reporter: Recorded; Digital; Hondo

Clerk: C. Lopez

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Proceedings recorded by electronic sound recording;  
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APPEARANCES FOR:

**Plaintiff:**

NIKI TAPIA-BRITO, ESQ.  
U.S. Attorney's Office  
District of New Mexico  
P.O. Box 607  
Albuquerque, NM 87103

**Defendant:**

ALONZO J. PADILLA, ESQ.  
Office of the Federal Public Defender  
First State Bank Building  
111 Lomas Boulevard NW  
Suite 501  
Albuquerque, NM 87102

**U.S. Probation/Pretrial:** Anthony Galaz

1      Albuquerque, New Mexico; Tuesday, May 7, 2013; 9:48 a.m.

2 (Call to Order)

5                   **MS. TAPIA-BRITO:** Niki Brito on behalf of the United  
6 States.

7                   **MR. PADILLA:** Good morning, your Honor, Alonzo  
8 Padilla for Mr. Trujillo who also appears.

9 | **THE COURT:** Good morning, Counsel.

10 Will our deputy please swear the Defendant?

11 THE CLERK: Can you raise your right hand?

12 (Defendant sworn)

13 THE COURT:

14 me this form. It's a Waiver of Preliminary Hearing. Did you  
15 have enough time to read this and are you satisfied that you  
16 understand what you're waiving?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Is this your signature on it?

19 THE DEFENDANT: Yes, sir.

20                   **THE COURT:** The Court finds a knowing waiver with the  
21 full understanding as to its meaning and effect. I make a  
22 finding of probable cause and bind this matter over for further  
23 proceedings.

24 Counsel, do you wish to speak to his conditions of  
25 release?

1                   **MR. PADILLA:** I would, your Honor. Obviously these  
2 are very serious charges and it has affected my client  
3 personally because one of the victims was his girlfriend that  
4 he'd been with for three years and the other victim was his --  
5 who he considered his grandmother. So he's definitely very  
6 hurt about what happened. He, I think, very clearly has no  
7 intention of ever drinking or driving again. I think maybe  
8 part of the problem is him being up in Dulce.

9                   So I'm proposing that he be released to the third-  
10 party custody of his sister, Apalonia Martinez who lives here  
11 in Albuquerque. She's lived here for a number of years and  
12 works at P&M as an electrical engineer. She also lives with  
13 her mother and one of her sisters and they've made it very  
14 clear that they will not allow any liquor in the house. In  
15 fact, they are very conservative Christians that do not allow  
16 any liquor at all in their home.

17                  He, I think, is very much in need of counseling for  
18 what he went through and also for obviously a drinking problem  
19 which is evidenced by the number of arrests that he's had in  
20 Dulce for alcohol-related offenses.

21                  We'd ask the Court to consider releasing him to the  
22 third-party custody of his sister under the strictest  
23 conditions which require him to be on electronic monitoring and  
24 to only leave the residence if he has the permission of his  
25 Pretrial Services officer.

1                   In the alternative, your Honor, I'd ask that he be  
2 released to the halfway house with the condition that he not  
3 return to Dulce under any circumstances.

4                   **THE COURT:** Does the Government wish to be heard?

5                   **MS. TAPIA-BRITO:** Yes, your Honor. We ask the --  
6 that the Court take judicial notice of the Presentence Report.  
7 We do believe that there's a risk of nonappearance in this  
8 particular case and a danger to the community based on the  
9 Defendant's criminal history, Judge. We don't think that there  
10 are any conditions that can secure the safety of the community.

11                  **MR. PADILLA:** Other than he would be, your Honor, as  
12 I indicated, on electronic monitoring with the restriction of  
13 no drinking and no driving. He has no arrests off the Dulce  
14 reservation or off the Jicarilla reservation and all charges  
15 are on the reservation and there's no disposition noted for any  
16 of those charges although I concede there are a number of them  
17 that would concern, I think, the Court at this point.

18                  **THE COURT:** Thank you, Counsel.

19                  Speaking to his family members, I appreciate your  
20 appearance here this morning and I would encourage you-all to  
21 take a look at his five-page criminal history that he's  
22 accumulated. I think he's only 23 years old or approximately.  
23 These -- I'm not going to go through these in open court, the  
24 things that you've been involved in but they range from  
25 resisting arrest, multiple -- it's just constant intoxication.

1 In fact, I think you were intoxicated when they arrested you --  
2 is what it indicates to me.

3 You've resisted every time -- almost every time  
4 you've gotten involved with law enforcement and multiple child  
5 abuse, failures to appear, DWIs, contempt of court. You pretty  
6 much have been doing whatever you want to do whenever you want  
7 to do it and I find you to be a substantial danger to the  
8 community and a substantial flight risk. And I'm going to  
9 remand you back to the custody of the Marshal. Thank you.

10 **MR. PADILLA:** Your Honor, I have one other request.  
11 I know the Court can't make this decision but he's at the  
12 Cibola County Detention Facility at this point and is still  
13 having numerous problems as a result of the accident himself  
14 and I think he might receive better treatment if he was  
15 transferred to the Torrance County Detention Center. So I'd  
16 ask that the Marshal consider that request.

17 **THE COURT:** He's going to stay where the Marshals put  
18 him. All right, we'll be in recess.

19 **MR. PADILLA:** Yes, sir, thank you.

20 **(This proceeding adjourned at 9:52 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.



July 7, 2013

TONI HUDSON, TRANSCRIBER